

REMARKS

Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested. This communication is being filed in response to the Office Action mailed September 7, 2007. Claims 1-43 and 62-123, being drawn to a non-elected invention, have been cancelled without prejudice to re-filing them in a divisional, continuation or other future application. Claims 51 and 53 have been amended and claims 124-133 have been added. With this amendment, claims 44-61 and 124-133 are pending in the application.

I. Claims Rejection Under 35 U.S.C. § 103

The Examiner has rejected Claims 44-61 as being unpatentable over U.S. Patent No. 6,485,406 to Ziegler et al. ("Ziegler") in view of U.S. Patent No. 6,455,024 to Glajch et al. ("Glajch"). Applicants respectfully traverse this rejection. As indicated below, Ziegler in view of Glajch does not teach or suggest every element of the claimed invention.

The radioactive core of claim 44 comprises "an inorganic amorphous silicate glass tube having an exterior service extending axially along the tube; and an inorganic crystalline ceramic coating received on at least a portion of the inorganic amorphous silicate glass tube exterior surface." Therefore, an embodiment corresponding to claim 44 contemplates both an inorganic amorphous silicate glass tube (22) and, separately, an inorganic crystalline ceramic coating (30). See Fig. 1. These two elements are distinct and perform distinct and important functions in connection with various embodiments of the present invention. The first of these elements, the inorganic amorphous silicate glass tube (22), improves mechanical strength with respect to impact testing (page 4, ¶ 8) and provides an exterior surface (24) to receive the inorganic crystalline ceramic coating (30). The inorganic amorphous silicate glass tube (22) also provides a cavity in which a radiographic marker (34) may be received. In embodiments wherein the radiographic marker (34) is received within the inorganic amorphous silicate glass tube (22), the inorganic amorphous silicate glass tube (22) provides separation between radioactive material and the radiographic marker (34), thus reducing self-absorption

from the radiographic marker. In addition, the second element, the inorganic crystalline ceramic coating (30), is adapted to receive a dose of radioactive material, preferably at the outermost surface. Receiving the radioactive material at the outermost surface of the ceramic coating (30) minimizes self-absorption and enhances uniform isotropy of the emitted radiation. See page 14, ¶ 38.

Ziegler and Glajch fail to teach or suggest the use of these distinct elements of both an inorganic amorphous silicate glass tube and an inorganic crystalline ceramic coating, and thus fail to teach the “inorganic crystalline ceramic coating received on at least a portion of the inorganic amorphous silicate glass tube exterior surface” as set forth in claim 44.

The Office Action asserts that Ziegler discloses a radioactive seed that is enclosed in a sealed metallic cylinder (1) having a radioactive core therein, wherein the core includes a marker (3) and a tube (2) that has an inorganic material, which has a ceramic coating containing a radioactive material. This assertion by the present Office Action is respectfully traversed. The tube (2) in Ziegler comprises a porous and mechanically stable inorganic material (column 3, lines 50-54) and does not contain a ceramic coating. Rather, Ziegler teaches the use of homogeneous tubes, for example, Al_2O_3 ceramic tubes (Example 1, column 8, lines 18-20) and tubes molded from a homogenous mass (Example 2, column 9, lines 8-12).

Similarly, Glajch fails to disclose or teach a radioactive core comprising an inorganic amorphous silicate glass tube and an inorganic crystalline ceramic coating. In contrast, Glajch discloses a radiotherapy agent comprising solid or porous inorganic particles, wherein the inorganic particles may exist in an amorphous or glass state or in a crystalline state or in a mixture of amorphous and crystalline forms, but preferably not in a glass state. Column 5, lines 12-15. As such, Glajch, like Ziegler, fails to teach or suggest the structure of the radioactive core as set forth in claim 44.

Accordingly, claim 44 and all dependent claims thereof, i.e. claims 45-61 are allowable under Sections 102 and 103 over Ziegler in view of Glajch.

II. New Claims 124-133

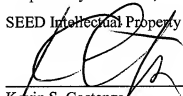
Claims 124-133 have been added. These claims are fully supported by the application as filed. Accordingly, no new matter has been added by this amendment. Consideration of new claims 124-133 is respectfully requested.

III. Conclusion

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

In view of the above, applicant believes the application is in condition for allowance. If questions remain, the Examiner is invited to contact applicant's counsel, Kevin S. Costanza, by email at KevinC.docketing@SeedIP.com or by telephone at (206) 622-4900.

Respectfully submitted,
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